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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

The Appeal

No. 3

Feb. 1969

Indiana University School of Law

Special Groundhog Issue

FOUR HOURS IN MAY

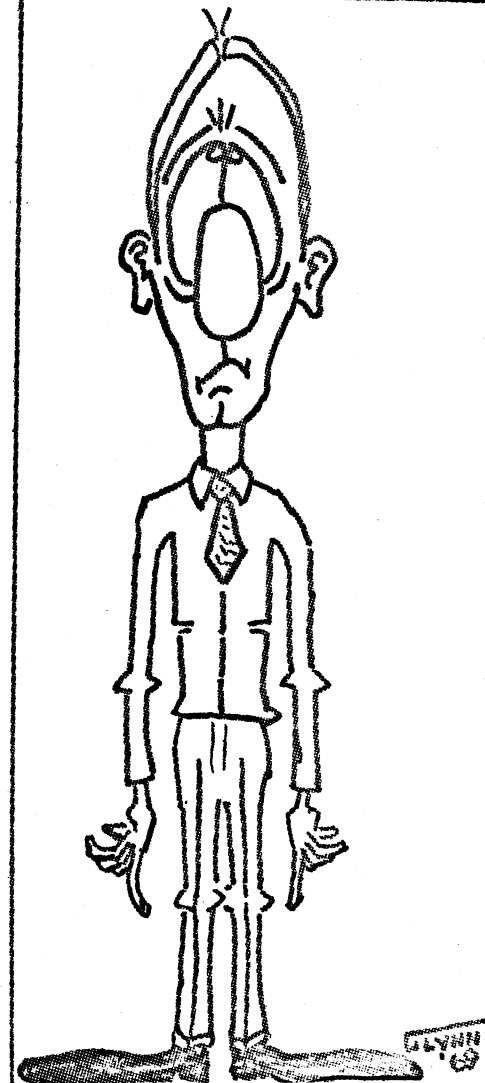
Sixty per cent of the academic credits at the end of the freshman year in law school are a result of courses lasting nine months. The three grades awarded for these credits are derived almost entirely from three four-hour exams given at the end of the nine-month courses. Any accomplishments of the students during the course life are disregarded, and all the eggs are in one basket during four hours in May.

We propose the substitution of a combination of one or two less comprehensive exams to be given at appropriate intervals during the nine month courses plus a final exam. Perhaps one or two research papers could be added. The weight given the final exam should approximate 50% of the grade for the entire course. With this method, a poor performance during four hours in May would not totally negate a student's efforts during the school year.

The principal argument for the present policy seems to be that a beginning law student needs at least eight or nine months before he can "think like a lawyer" on law exams. While conceding that some things improve with age, those freshmen who took law exams after only two months or four months were able to answer the questions and the professors were able to award grades. In essence, the proponents of the present policy destroy their own position by requiring three nine-month courses and five four-month courses during the freshman year.

The Editors

...PROCEDURE II...



A DISSENTING OPINION TO "FOUR HOURS IN MAY"

by Professor A. Dan Tarlock

The issues raised by the lead editorial, "Four Hours in May, " raise broader questions about the structure of the first-year curriculum and our current criteria for evaluating student performance. In this letter, I will avoid these issues and reply to the editorial on the assumption that our current curriculum and methods of evaluation are valid. Let me add the hope that students will turn to a serious discussion of these broader questions as reform is certainly necessary in many instances. My premise is that the present sequence of examinations is more beneficial to the student than the solution the editorial proposes. I would not frame the issue, as it does; can the student take examinations? One surely can take them at any time after he enters law school. Why not weakly surprise examinations? The issue might better be framed, how can the law schools give the student the maximum opportunity to demonstrate his skills and insights.

I should first state that we are all prisoners of our own experience. I am convinced that the only reason that I was able to achieve some success after my first year was because I took until March and April to begin to understand what the hell was going on. I realize that students progress at different rates and that the problem is aggravated here because some 40 to 50 students enter in the summer. But, it would be my hunch that most students continue to waste the first three months of law school, not because they do not put in the hours, but because they don't understand what it is they should be learning.

The point that I think the editors miss is that a legal education is not so much like designing and putting up a building but is more like reviewing a well constructed drama or opera. The skills we try to teach--fact consciousness, a sense of relevance, foresight, lingual sophistication, precision and persuasiveness of speech, the ability to predict the impact of a principle on the broader social structure and finally, a sense of ethics--are not learned in measured increments. They come after a long exposure to a subject matter and a great deal of reflection on the part of the student. If a course is well constructed, problems which are raised at point do not become fully meaningful until the student has been exposed to latter areas of the course. The process of becoming educated in the law consists in large part of continually relating insights developed in one context to other problems and trying to integrate them into a model of the legal process as it applies to a particular subject matter which will be useful in resolving future disputes among competing parties. The insight necessary to integrate doctrines and analytical themes comes to most law students after the first semester. It is for these reasons that I have always regarded the months of March, April and May as the most valuable time of the first year, if the student is willing to use them. Perhaps the merits of these arguments can best be evaluated after May. I would suspect that the second semester grades would reflect the increased quality of student performance.

* * * * *

THE LITTLE BRASS PLAQUE

by Ray Robison

The little brass plaque is an injustice. It says simply "Samuel Saul Dargan Curator, Law Library, 1908-1946." This insignificant plaque describes a man who was once known as the father of the Law School, and it now graces his picture which hangs in the Student Lounge. Even the picture itself is small, compared to most hanging in the lounge, though it does occupy a place of prominence. Sam's picture hangs just inside and to the right of the main door as one is leaving the room. The portrait has one more distinguishing characteristic--it is the only one in the room picturing a black man.

While Sam was officially a curator, he did much more for the Law School than this stuffy word can ever communicate to one who views the picture. Even the Administration, visibly impressed with Sam's forty years of service, saw fit to give Sam the title "Curator Emeritus" when they retired him against his will in 1948. Still the little plaque refers to him only as "Curator."

Sam's main contribution was to his beloved law students, however. Sam operated a used book exchange in one corner of the Law Library, which was then in Maxwell Hall. The 1910 Arbutus describes Sam as an "honest, square-dealing, fellow," though it also says that he was "a plutocrat, buying law books at junk prices and selling them at a handsome price." Sam probably never realized a profit for himself, though, because he gave out countless free meals to poor law students when he himself was hungry, and gave out loans to students just as freely. When the University bought Sam's book exchange when he was retired against his will in 1948, an audit of his ill-kept records turned up checks from as far back as 1923, some of which Sam had never tried to cash, and others that had bounced, and which Sam had not tried to collect.

The list of friends Sam made at his post is long, and includes a number of important men of that time. Wendell Wilkie invited Sam to a reception following his nomination for President in 1940. Sam carried on regular correspondence with United States Supreme Court Justice Sherman Minton, and also knew William Jenner, Senator from Indiana. Paul V. McNutt also was a close friend of Sam.

Sam also worked actively in the Bloomington area to better race relations long before other faculty members took an active role. He spearheaded the construction of the first Negro dormitory on campus, which was known for many years as Dargan House. Sam worked steadily to help Negroes take a greater role in defense work during World War II, and he served on the local draft board. Early in the War, Sam tried to enlist in the Army, claiming to be only forty years old. In truth, Sam was nearly seventy. Fortunately, the Army had little trouble revealing the truth.

In 1948, the University had to ask Sam to retire. At the Law Alumni Banquet that year, Sam was presented with the picture that now hangs in the lounge. Sam claimed later he did not like the painting, which was done from a photograph because Sam refused to sit for the artist. The picture was hung in Sam's library, however, and more than once he was caught dusting it off, or quietly contemplating it. On the day that Sam was to officially leave his job, the Administration arranged an elaborate ceremony, with speeches and all, but the next day Sam was right back at his beloved library, dusting books and polishing up the long tables which graced the reading room. Sam received no pay for this

work, but every day until his death he returned to Maxwell Hall to see his boys, and check on the books. This vigil continued until late November of 1954, and then came the day that Sam was so weak that he was sent to the hospital straight from the library. Sam died there, of pneumonia, at age 84.

At present the only thing in the Law School which even hints of Sam's service is that little brass plaque. This letter, which appeared in the Indiana Daily Student on December 7, 1954, can only serve to underline the inadequacy of that tribute:

For Sam

Sam Dargan is not dead. It is true that the kindly old curator of the law library shall no longer patiently shuffle his way to Maxwell Hall. But Sam shall return to the law books which were his charge for almost half a century.

You see, Sam was a rare kind of man--a man who successfully resisted retirement in an age when retirement has become the vogue; a man who made a legion of friends in 84 years without making any enemies.

Yes, Sam will be back to see many more classes come and go at I.U.

It would be fitting for Sam Dargan's memory to be perpetuated in our next law school, and nothing would be more appropriate than to have the main reading room dedicated to Sam. Of course, his portrait should be in a conspicuous spot, too, as it is now in Maxwell Hall.

Sam has earned a spot of honor--any of his friends from coast to coast will tell you that. To borrow, "We shall see no more like him."

A Law Student

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SBA ACADEMIC COMMITTEE REPORT

By Terry Noffsinger

Most faculty members participated in the Law School's first faculty evaluation. A committee has been set up to study the freshman tutorials. Students registered last semester according to numbers. And two student-faculty coffee hours per week have been scheduled.

The above occurred after the December 10 publication of a 13-page report by the SBA Academic Committee, suggesting improvements in the Law School in seven areas. All members of the faculty received a copy.

The Teaching Committee chaired by Prof. Pratter is now processing the faculty evaluations. As the report suggested, most professors allowed class time for "maximum validity." The report urged that the results be published and that professors have the additional benefit of a "comments" section. A sample questionnaire and information on computer scoring were appended to the report.

The committee recognized the value of the tutorials, but stressed that requirements for each section should be standardized and that assignments should end by Thanksgiving vacation.

The number system employed this semester at registration at the Law School reflected the committee's concern that in the past, crowders or those with special passes have been able to register before those who arrive early and wait their turns.

Expressing students' disappointment in student-faculty relations, the committee suggested coffee hours be scheduled to complement faculty meetings, so the faculty could sound out student opinion on a subject they were to take up at the meeting.

Small student-faculty lunches were suggested, as well as allowing students to mix with faculty in the faculty lounge, at least in the afternoons. Another proposal was to assign each freshman a faculty advisor.

Other conclusions of the committee were in the following areas:

Curriculum. (1) the student body should have a voice in curriculum planning; (2) the Volunteer Legal Aid Program and the Juvenile Clinic are examples of practical work which should be encouraged and made available to as many students as possible; (3) a survey of recent I.U. law graduates asking "what is the Law School not teaching that it should?" could uncover inadequacies in the curriculum.

Scholarships and Financial Aid. (1) the degree to which need determines recipients in relation to scholarship should be clarified; (2) requiring applicants to list their parents' income was questioned; the apparent philosophy that well-to-do parents should and do subsidize their children's post-graduate study should be examined; (3) scholarship ought to be the main basis for the awarding of grants, to recognize the academic achiever and to attract top students to I.U.; (4) interviews might help the committee make decisions on aid recipients.

Library. (1) although 80 per cent of the library budget goes into periodicals, reporters, digests, and codes, \$25 of every \$100 spent on new books goes for foreign language books, which are used by a very small percentage of students and faculty; (2) a guard at the library exit might check books leaving the library to reinforce the "honor system," which has been abused; (3) more carrel and stack checks might prevent sandbagging within the library; (4) the library staff could be increased, faculty members make more extensive use of the reserve desk, and library users be encouraged to reshelve books they are finished with.

The Academic Committee consisted of senior Terry Noffsinger, chairman; Jack Olmstead, a January graduate; juniors Rex Joseph and John Rogers, and freshman Terry Hiestand. The committee was created by Dan Blaney, junior, vice-president of the SBA.

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ONE FRESHMAN'S OBSERVATIONS

by Vic Streib

Quotable Quotes:

Last issue's "Isn't it crystal clear that ..." quote from Mr. Dworkin was neutralized by him at 11:14 AM on January 13, 1969. In reference to another confusing concept, his words at that time were "What the hell does that mean?"

To a student's question concerning Mr. Greenebaum's explanation of a complex notion, he responded "I won't quarrel with you concerning what I said, because who knows what I said?" Many students have been asking themselves that same question since his first class.

Mr. Tarlock's class in legal logic (Property) advanced another giant step at 9:01 AM on January 13, 1969. Mr. Tarlock asked a confusing question, and the student responded with another question seeking clarification of Mr. Tarlock's original question. Dynamic Dan's response was "How would I know? I'm asking the question!"

Rumored additions to our faculty:

J. Edgar Hoover, teaching B763, Jurisprudence.

Curtis Lemay, teaching B760, International Law.

George Wallace, teaching B606, Civil Rights.

Lester Maddox, teaching B715, Seminar in Socialist Legal Systems.

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AN INTERVIEW WITH BILL PIETZ

by Jeannene Seegar

"I'm a real live wire for at least two months of the year," said Bill Pietz, but the other ten months of the school year Pietz is kept busy with Law School and editing the Law School Journal.

Pietz has just about become a legend in the Law School, for he vows that he spends every waking hour of the day studying law or working on the journal. Pietz is a senior this year, and feels there is a lot at stake in being a success in the Law School. That's why he studies constantly, or so he says.

Originally from New York, and an alumni of the University of Buffalo, Pietz, came to I.U. to Law School after he finished his hitch in the U.S. Army. Pietz spent two years in Washington D.C. where he was a finance clerk. Pietz says he holds the unofficial record for the largest number of A.W.O.L.'s in the Army, "I'm the intellectual type, and couldn't bear sitting in the office," he said. Pietz said he took daily sabbaticals to the Library of Congress where he "really wanted to be." He got an informal Master's degree there.

Pietz classified himself as a draft protester, and because of this he never rose above the rank of private. "I was a former marcher with Dr. Spock," Pietz said.

He also tells of an incident in Washington when he had a chance to tell off Defense Secretary MacNamara and his wife. He claims he is the only private in the history of the Army who has done such a thing. Pietz told MacNamara how he felt about the stupidity of the war in Vietnam and other issues.

Pietz left the service three months early, a plan in which you can leave if you are enrolled in an accredited college. I.U.'s Law School started in June, and Pietz made his final decision to come here because of this. Pietz describes his fate as "ending up in the middle of Indiana, of all the ungodly places."

Pietz was considering working for a Wall Street law firm, but now is considering going into the operation of tax shelters in the leasing field, "There is a fantastic profit in this kind of business," Pietz said. The job would include being employed by a national syndicate that puts up cash and gives wealthy investors tax shelters.

As for Pietz' future, he says, "I put my nose in the air, and if I smell a dollar sign, I go in that direction."

Pietz lives above Strongs Liquor Store, but says he doesn't have internal access to the premises below. He just moved into his new apartment recently when he was evicted from his previous quarters by the health authorities. "I had been slumming it till then", he said. What little cash he had at this time time was tied up in the Canadian penny mining stock market, he said. Pietz describes his first dwelling place as part of his "self-made man story".

Pietz says being editor-in-chief of the Law Journal is "about the greatest thing that could happen to you. You have a lot of intellectual fun," he said. The staff of the Law Journal publishes one volume a year. The students write half the material, and law professors throughout the country write the rest. The Journal consists of articles on almost every legal subject, Pietz said.

The articles selected for the Journal are judged primarily on creativity, thoroughness and analysis, Pietz said. "It's a status symbol to be editor, but probably the best education you can get in the law school, he said. "We spend all day writing and solving problems. Many people feel this is the best education available in the graduate level." It helps atone for the inadequacy of some aspects of this law school's curriculum and of a small portion of its faculty." he said.

Pietz said Vance Hartke, Birch Bayh and Dean Leon Wallace, former Dean of the Law School, all held top positions on the journal staff at I.U. "Legendly it is an honor to be editor of the journal, but in fact it's a burden," Pietz said, "but nobody is every sorry about the job. It's a ball," he said.

When questioned about his devotion to studying law books, Pietz said, "It's hardly legendary, but should be expected of every student," he said. Pietz graduates from I.U. School of Law in June of 1969.

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SPOTLIGHT ON THE FACULTY: HARRY PRATTER

by Jeannene Seegar

When Professor Harry Pratter met with incoming freshmen this fall, he expressed his opinions about youth to them. He told them to take a critical look at what the middle class way of life is for them, and yet not neglect looking at the virtues of this life. He also told them that if they did accept the standard life styles of our society, they should open their eyes and take a good look around them.

Pratter practices the theory in the classroom that it is most important never to be dull. "I may have more humor in my teaching than is advisable," Pratter said, "but I feel it is crucially important to keep the classroom from being dull."

What he enjoys doing in his classes is in a sense indulging his philosophical interests into his courses. "Even courses that don't have intellectual and philosophical content do need to be understood in larger perspective," Pratter said.

Pratter feels the single most important moral and intellectual value is the development of "self-critical sense".

Pratter pointed out in the classroom that he was one of the few people he knew who didn't like the movie "The Graduate".

Pratter clarified his statement by saying that he really hadn't met anyone as foolish as the son was depicted. Also Pratter said, if the father was such a successful lawyer they pictured him as being terribly foolish too.

"The character of the youth in "The Graduate" was such a frail symbol of youth," he said. "I refuse to believe youth from an eastern school does not even know how to register in a hotel," Pratter added.

Pratter and his wife, Maryrose have three children. Their Jewish family has always worked together, even when Pratter studies at home, it is usually in the livingroom.



The family enjoys many kinds of music, and Pratter's interest in The Doors, the Rolling Stones, the Beatles and rock music developed from his son's interest. His son will be a freshman in college in the fall.

"I liked the Beatles from the beginning," Pratter said. He also likes Billy Butterfield and some of the blues music out today. Pratter said this type of music is similar to the jazz when he was in school.

Pratter did his undergraduate work at the University of Buffalo in New York, and went to law school at the University of Chicago.

In rating I.U.'s Law School, Pratter said he felt it did not have quite the reputation that Chicago has. "Beyond four or five schools, that are mostly built on reputation, there are about 10 or 11 schools where you can get an acceptable education. I.U. is in that group, he said.

Pratter came to I.U. in 1950. He spent some time in New York working at Columbia University on sabbatical. In 1967 he spent eight months in England studying modern English linguistic philosophy. While in London Pratter used the libraries and worked with the office of the Institute of Advanced Legal Studies.

Pratter is an avid sports spectator, and a member of the I.U. Athletic Committee. Pratter said he always goes to football and basketball games. "I enjoy these sports as my sons do", he said. He enjoys football, and swimming and wrestling which are his son's interest.

Pratter enjoys reading and tries to keep up with this interest. "I used to be an avid mystery book reader, now I only read them occasionally," he said. He also reads Encounter, and N.Y. Review of Books, and the New Yorker.

Pratter has many other interests outside the classroom. His main concern is young people, and he does all he can to try and understand them, and educate them as best he can as one of the "other generation".

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FEDERAL PRISON CLINIC PROGRAM

by Anthony Granucci

This semester marks the beginning of a new clinic program at the School of Law. With the approval of the Federal District Court and the Federal Bureau of Prisons, twenty first and second year law students have begun giving legal assistance to inmates of the Terre Haute Penitentiary. The program will be launched formally by a trip to the penitentiary, sponsored by the Federal Bureau of Prisons. Work has already begun, however, with a lecture series on past conviction remedies. In addition, many students have begun work on several requests for assistance which filtered into the law school during the fall. This semester's program is experimental and, if successful, may be expanded to a credit offering in the fall.

Participation in the clinic program serves a dual purpose. There is a crying need for legal talent in the area of post-conviction review. Inmates at the penitentiary suffer from a lack of knowledge in how to press their legal claims. Prison and court officials, on the other hand, are hard pressed to keep up with the multitude of claims, mostly frivolous, which are brought to their attention. Students at Indiana University can make a significant contribution to solving this problem at Terre Haute.

Beyond the public service aspects of participation in the program, students will find that they benefit educationally. The program has been deliberately designed to provide students with a meaningful experience. The day-to-day activities of the program are run much like a law firm, with the students, the Teaching Associates, and Professor Schornhorst engaging in a series of round robin discussions of each case. While students cannot, as yet, actually give legal advice directly to the inmates, they are encouraged and expected to take the lead in the decision making process known as litigation. The futures of flesh and blood clients depend on the student's ability to select the best path through a maze of procedural problems. If a case is litigated, every effort will be made to involve the students, as assistants to court appointed counsel, in actual court proceedings. Students are not allowed to abandon their clients when spring break comes around. They, as any legal counsel, have a duty to continue with their clients through judicial decision.

It is expected that this program, with a high degree of student responsibility and faculty-student interaction, will prove to be one of the law school's most valued offerings.

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LAW BUILDING'S PHYSICAL IMPROVEMENTS COMPLETED
by Vic Streib

During January, several physical improvements were made in the law building. Beginning during Christmas vacation and ending just before the second semester began, the workers erected a glass partition in the library. This completely enclosed the library desk, the Xerox machine, and the lounge area, greatly reducing the noise level for the rest of the library. This enclosed area was carpeted, and tile was placed around the drinking fountain. An attractive addition was the decorative partition separating the lounge area from the Xerox machine.

In the main foyer, the glass wall separating the foyer from the staircase was replaced with a tiled wall. Formerly, the McNutt flag display had decorated this area. Now, the law school is seeking a distinctive medallion or lettering to adorn the wall, identifying this building as the School of Law.

All of this work was completed by Pritchett Bros., Springville, Indiana, for a total contract price of \$9,856.00.

Miss Betty V. LeBus, Law Librarian and Chairman of the Building Committee, has expressed a future need for additional office and classroom space. New library space will also soon be needed. Various building additions are now being investigated and considered.

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DISSATISFACTION OF TUTORIAL PROGRAM AIRED
by Peggy Tuke

First year students got a chance to air their complaints about the tutorial program at an open meeting of a student-faculty committee held on February 20. The purpose of the committee is to evaluate the first year tutorial and moot court programs and to suggest any necessary changes.

Student complaints centered around inequities among the various sections. One major area cited was the difference in number and length of assignments given and the difference in the amount of assistance given by the different teaching assistants. Another problem area was the degree of importance tutorial grades were given by the different Torts instructors when integrating tutorial grades into final Torts grades. There was a general consensus that these problems could be remedied by a general standardization of tutorial sections.

The second major area of discussion concerned whether or not tutorial should be a course carrying academic credit. One rationale for giving credit was that those who worked received no credit so that the benefit actually went to those who did not work. Although the majority of those present seemed to favor such a move, one objection offered was that students would feel more apprehensive about making mistakes and that this would cause the program to be less vital. A final suggestion was that the first semester tutorial program be tied in more closely with the moot court program.

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In a burst of journalistic activism, The Appeal will appear again before Spring vacation. All articles and letters to the editor must be submitted no later than Friday, March 7. Articles may be left with Mrs. Stevens in Room 204A.